



PCT DAC  
IAP04Rec'd PCT 25 JUL 2008

MAIL STOP PETITION  
PATENT  
40770-000117/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |                                      |           |         |
|-------------|--------------------------------------|-----------|---------|
| Applicants: | Marc BONJEAN et al.                  | Conf:     | Unknown |
| Serial No.: | 09/700,043                           | Group:    | Unknown |
| Filed:      | November 9, 2000                     | Examiner: | Unknown |
| For:        | BISTABLE MAGNETIC DRIVE FOR A SWITCH |           |         |

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**RENEWED**  
**PETITION UNDER 37 C.F.R. § 1.181**  
**TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop **PCT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 25, 2008

Dear Sir:

In reply to the Decision on Applicants' Petition under 37 C.F.R. 1.137(b) filed on November 27, 2007 (the decision being issued on July 2, 2008), Applicants hereby file the present Second Renewed Petition and request reconsideration of the Petition to revive filed November 27, 2007, the entire contents of which are incorporated herein by reference.

**STATEMENT OF FACTS**

In the Petition Decision issued October 19, 2006, the U.S. Patent and Trademark Office indicates that "Applicant has not explained or provided any evidence regarding his assertion that he failed to receive the Office communication of 21 August 2003 in response to his Status Inquiry," and items 1, 2, and 3 of the petition's criteria were not satisfied, namely (1) a statement that the

Office Action was not received; (2) statement of search of the file jacket and docket records; and (3) a copy of the docket record where the non-received Office Action would have been entered.

Regarding Item (1), Applicants' representative states that **no communication of any kind** had been received from the United States Patent and Trademark Office in connection with the above-identified application after the filing of a Response on June 15, 2001 to the Notification of Defective Response dated May 18, 2001, including the alleged Office Communication of 21 August 2003 which was allegedly sent in response to the status inquiry of July 10, 2003. Thus, Item (1) has been satisfied by the present Renewed Petition.

Further, a copy of the File Jacket was previously submitted with the Petition of November 27, 2008, after a thorough search of the file jacket and docket records had shown non-receipt of any communication from the United States Patent and Trademark Office. It is noted from the current copy of the file jacket, enclosed herewith, that the file jacket lists the Response of June 15, 2001, the Status Inquiry of July 10, 2003, and then lists **nothing** until the Petition to Withdraw and Change of Address filed November 22, 2007. This satisfies item (2) of the Petition requirements. A copy of the Petition of November 27, 2007 and attachments thereto is provided for the Examiner's convenience.

Finally, regarding Item (3), attached is our firm docketing record of all actions and items received in connection with the present application. A review of this record shows that no communication of any kind has been received from the United States Patent and Trademark Office dated August 21, 2003, nor has any communication been received dated May 29, 2002. In fact, other than the denial of the Petition, no documents were received since the Notification of Missing

Requirements dated 30 November 2000. Thus, Applicant asserts that Item (3) is now satisfied by the present Renewed Petition.

In view of the above-described facts, it is readily apparent that the abandonment of the present application was unavoidable and due solely to problems with the United States Patent and Trademark Office. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.

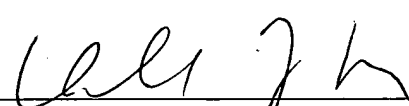
It is further believed that no petition fee is necessary in connection with this petition. In the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Donald J. Daley in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By

  
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

Attachments



MAIL STOP PETITION  
PATENT  
40770-000117/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |                                      |           |         |
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| Applicants: | Marc BONJEAN et al.                  | Conf:     | Unknown |
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| For:        | BISTABLE MAGNETIC DRIVE FOR A SWITCH |           |         |

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**PETITION UNDER 37 C.F.R. § 1.181**  
**TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 27, 2007

Dear Sir:

It was recently discovered that a Notice of Abandonment was mailed May 29, 2002, a copy of which was never received from the United States Patent and Trademark Office. Further, a status inquiry was filed July 10, 2003, to which Applicant did not receive any response.

In response to the Notice of Abandonment, Applicants hereby respectfully petition under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) for decision to withdraw the holding of abandonment.

The Notice of Abandonment indicates that this application was abandoned in view of Applicants' failure to respond to a Notification of a Defective Response dated May 18, 2001. However, a review of the file jacket for the present application, the contents of the file for the

present application, and a Postcard indicating receipt of a response from the United States Patent and Trademark Office reveals that a response was filed to the Notification of a Defective Response dated May 18, 2001 on June 15, 2001.

The fact that a response was filed on June 15, 2001 is evidenced by **Exhibits I-III** attached hereto.

**Exhibit I** is a copy of the front page of the attorney's file jacket of Serial No. 09/700,043. The policy in our office is to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petition Examiner will note, there is an entry with respect to the May 18, 2001 Notification of Defective Response indicating that a response was filed on June 15, 2001.

**Exhibit II** is a copy of the complete response found within the file jacket, including a complete Declaration, a copy of the Notification of a Defective Response, and a check in the amount of \$110.00, the fee required by the Notification of a Defective Response.

**Exhibit III** is a stamped postcard received from the United States Patent and Trademark Office indicating receipt of the Completion of Filing Requirements by the United States Patent and Trademark Office on June 15, 2001.

In view of the above-described facts, it is readily apparent that the abandonment of the present application was unavoidable and due solely to problems with the United States Patent and Trademark Office. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.

It is further believed that no petition fee is necessary in connection with this petition. In the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Donald J. Daley in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By   
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

Attachments

## **EXHIBIT I**

PATENT NO. \_\_\_\_\_  
ISSUED \_\_\_\_\_

**-PCT-**

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

MONTHLY BILLED CLIENT NO  
 CLIENT COPIES 2

SMALL  
ENTITY \_\_\_\_\_  
(FILED)

SUPPLEMENTAL VOLUME(S) \_\_\_\_\_

ENTOR Marc Bonjean, Roger Nicolaye

LE Bistable magnetic drive for a switch

APPLICATION NO. 09/200,043

FILED: NOV. 9, 2000 Jan. 24 01

SECURITY CLAIMED

RECLAIMED

DRWGS. NO. OF SHEETS

## REIGN CASES

Int'l. Appln no.: PCT/EP00/01314 Filed: Feb. 18, 2000

[illegible]

## ASSIGNMENT

PARENT/OFFSPRING

DOCKET NO. 4077-1178

(PCT)

**CLIENT**

Preis, Fuhlerdorf, Steine  
3 Becher

THEIR REF. 012901a

## ASS



## **EXHIBIT II**

BOX PCT  
PATENT  
4077-0117P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Marc BONJEAN et al. Conf.: Unknown  
INT'L. APPL. NO.: PCT/EP00/01314  
APPL. NO.: 09/700,043 Group: Unknown  
FILED: November 9, 2000 Examiner: Unknown  
FOR: BISTABLE MAGNETIC DRIVE FOR A SWITCH

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR  
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

BOX PCT  
Assistant Commissioner for Patents  
Washington, DC 20231

June 15  
~~January 12~~, 2001

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

A photocopy of an executed combined Declaration and Power of Attorney is attached hereto. The document enclosed herewith is in response to a Notification of a Defective Response dated May 18, 2001, a copy of which is attached hereto for reference by the U.S.P.T.O.

The Notice of a Defective Response indicates that pages 1 and 2 of the executed Declaration filed on January 12, 2001 were missing. However, Applicants respectfully submit that the complete combined Declaration and Power of Attorney was filed on

Appl. No. 09/700,043

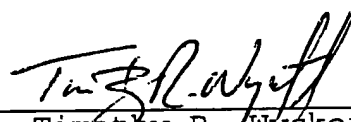
the indicated January 12, 2001 date. Accordingly, Applicants respectfully request that the instant application be afforded January 12, 2001 as the date for completion of the filing requirements set forth under 35 USC § 371.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Timothy R. Wyckoff, #46,175

FPB/TRW/clb  
4077-0117P

Attachments

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Declaration and Power of Attorney For Patent Application  
(or PCT) Erklärung Für Patentanmeldungen Mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder erkläre  
ich hiermit an Eides Statt:

dass mein Wohnsitz, meine Postanschrift,  
und meine Staatsangehörigkeit den im  
Nachstehenden nach meinem Namen  
aufgeführten Angaben entsprechen,

dass ich, nach bestem Wissen der  
ursprüngliche, erste und alleinige  
Erfinder (falls nachstehend nur ein Name  
angegeben ist) oder ein ursprünglicher,  
erster und Miterfinder (falls nachstehend  
mehrere Namen aufgeführt sind) des  
Gegenstandes bin, für den dieser Antrag  
gestellt wird und für den ein Patent  
beantragt wird für die Erfindung mit dem  
Titel:

(1) \_\_\_\_\_

deren Beschreibung hier beigefügt ist  
außer das folgende Feld ist angekreuzt:  
(zutreffendes ankreuzen)

☐ (2) vorhergehend eingereicht

☐ (3) am \_\_\_\_\_ unter  
der

☐ (4) U.S. Anmeldungsseriennummer \_\_\_\_\_

der PCT International No. \_\_\_\_\_

und ☐ (5) wurde am \_\_\_\_\_  
abgeändert (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich Inhalt der  
obigen Patentanmeldung einschließlich der  
Ansprüche durchgesehen und verstanden  
habe, die eventuell durch einen  
Zusatzantrag wie oben erwähnt abgeändert  
wurde.

Ich erkenne meine Pflicht zur Offenbarung  
irgendwelcher Informationen, die für die  
Prüfung der vorliegenden Anmeldung in  
Einklang mit Absatz 37, Bundesgesetzbuch,  
Paragraph 1.56 von Wichtigkeit sind, an.

Ich beanspruche hiermit ausländische  
Prioritätsvorteile gemäß Abschnitt 35 der  
Zivilprozessordnung der Vereinigten  
Staaten, Paragraph 119 aller unten  
angegebenen Auslandsanmeldungen für ein  
Patent oder eine Erfindurkunde  
nachstehend gekennzeichnet, die ein  
Anmeldedatum haben, das vor dem  
Anmeldedatum der Anmeldung liegt, für die  
Priorität beansprucht wird.

As a below named inventor, I hereby  
declare that:

My residence, post office address and  
citizenship are as stated below next to my  
name,

I believe I am the original, first and  
sole inventor (if only one name is listed  
below) or an original, first and joint  
inventor (if plural names are listed  
below) of the subject matter which is  
claimed and for which a patent is sought  
on the invention entitled

(1) BISTABLE MAGNETIC DRIVE FOR A  
SWITCH

the specification of which is attached  
hereto unless the following box is  
checked: (check appropriate blocks)

☒ (2) was filed January 24, 2001

☐ (3) on \_\_\_\_\_  
as

☒ (4) U.S. Appl. S. N. 09/700,043  
or PCT International No. \_\_\_\_\_

☐ (5) as amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and  
understand the contents of the above  
identified specification, including the  
claims, as amended by any amendment  
referred to above.

I acknowledge the duty to disclose  
information which is material to the  
examination of this application in  
accordance with Title 37, Code of Federal  
Regulations, '1.56.

I hereby claim foreign priority benefits  
under Title 35, United States Code, '119  
of any foreign application(s) for patent  
or inventor's certificate listed below and  
have also identified below any foreign  
application for patent or inventor's  
certificate having a filing date before  
that of the application on which priority  
is claimed.

# German Language Declaration

Prior foreign applications / Priorität beansprucht

|  |                                |  |                  |                   |
|--|--------------------------------|--|------------------|-------------------|
| (6) 199 10 326.7<br>(Number)<br>(Nummer) | Germany<br>(Country)<br>(Land) | 9 March 1999<br>(Day/Month/year Filed)<br>(Tag/Monat/Jahr eingereicht) | [X]<br>Yes<br>Ja | [ ]<br>No<br>Nein |
| (6)<br>(Number)<br>(Nummer)              | (Country)<br>(Land)            | (Day/Month/year Filed)<br>(Tag/Monat/Jahr eingereicht)                 | [ ]<br>Yes<br>Ja | [ ]<br>No<br>Nein |
| (6)<br>(Number)<br>(Nummer)              | (Country)<br>(Land)            | (Day/Month/year Filed)<br>(Tag/Monat/Jahr eingereicht)                 | [ ]<br>Yes<br>Ja | [ ]<br>No<br>Nein |

Ich beanspruche hiermit gemäß Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 119(e), den Vorzug aller unten aufgeführten vorläufigen Anmeldungen.

I hereby claim the benefit under Title 35, United States Code, '119(e) of any United States provisional application(s) listed below.

|  |                                 |
|--|---------------------------------|
| (7)<br>(Application Serial No.)<br>(Anmeldeseriennummer) | (Filing Date)<br>(Anmeldedatum) |
|--|---------------------------------|

|  |                                 |
|--|---------------------------------|
| (7)<br>(Application Serial No.)<br>(Anmeldeseriennummer) | (Filing Date)<br>(Anmeldedatum) |
|--|---------------------------------|

Ich beanspruche hiermit gemäß Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäß Absatz 37, Bundesgesetzbuch, Paragraph 1.56 meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, '120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, '112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, '1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

|  |                                 |   |   |
|--|---------------------------------|---|---|
| (8)<br>(Application Serial No.)<br>(Anmeldeseriennummer) | (Filing Date)<br>(Anmeldedatum) | (Status)<br>(patentiert, anhängig,<br>aufgegeben) | (Status)<br>(patented, pending,<br>abandoned) |
|--|---------------------------------|---|---|

|  |                                 |   |   |
|--|---------------------------------|---|---|
| (8)<br>(Application Serial No.)<br>(Anmeldeseriennummer) | (Filing Date)<br>(Anmeldedatum) | (Status)<br>(patentiert, anhängig,<br>aufgegeben) | (Status)<br>(patented, pending,<br>abandoned) |
|--|---------------------------------|---|---|

Ich erkläre hiermit, daß alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und daß ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, daß wissentlich und vorsätzlich falsche Angaben gemäß Paragraph 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und daß derartig wissentlich und vorsätzlich falsche Angaben die Gultigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patents gefährden werden.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den Patentanwalt (oder die Patentanwälte) und/oder Patent Agenten, Kundennummer 2292, mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent- und Warenzeichen:  
(Aktuellen Namen und aktuelle Registrationsnummer anführen,)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the attorney(s) and/or agent(s) of Customer No. 2292 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list current names and registration numbers).

Raymond C. Stewart, Reg. No. 21,066  
Joseph A. Kolasch, Reg. No. 22,463  
Bernard L. Sweeney, Reg. No. 24,448  
Charles Gorenstein, Reg. No. 29,271  
Leonard R. Svensson, Reg. No. 30,330  
Andrew D. Meikle, Reg. No. 32,868  
Joe McKinney Muncy, Reg. No. 32,334  
John W. Bailey, Reg. No. 32,881  
Gary D. Yacura, Reg. No. 35,416  
Terrell C. Birch, Reg. No. 19,382  
James M. Slattery, Reg. No. 28,380  
Michael K. Mutter, Reg. No. 29,680  
Gerald M. Murphy, Jr., Reg. No. 28,977  
Terry L. Clark, Reg. No. 32,644  
Maro S. Weiner, Reg. No. 32,181  
Donald J. Daley, Reg. No. 34,313  
John A. Castellano, Reg. No. 35,094  
F. Prince Butler, Reg. No. 25,666  
Fred S. Whisenhunt, Reg. No. 24,378  
Richard Gallagher, Reg. No. 28,781

Telefongespräche bitte richten an:  
(Name und Telefonnummer)

Direct Telephone Calls to:  
(name and telephone number)  
(703) 205-8000

Postanschrift, aktuelle Kundennummer 2292.: Send Correspondence to address of  
Customer No. 2292, currently:

Birch, Stewart, Kolasch & Birch, LLP  
P.O. Box 747  
Falls Church, Virginia 22040-0747

Voller Name des ersten Erfinders:

Full name of first inventor:  
Marc BONJEAN

(9)

Unterschrift des ersten Erfinders

Datum

Signature of first inventor

Date,

X

03 January 2001  
X

Wohnsitz

Residence  
Liège, Belgium

Staatsangehörigkeit

Citizenship  
German

Postanschrift

Post Office Address  
Rue Bois-l'Eveque 41,  
4000 Liège, Belgium

Voller Name des zweiten Miterfinders  
(falls zutreffend)

Full name of second joint inventor:

Roger NICOLAYE

(9)

Unterschrift des zweiten Erfinders

Datum

Signature of second inventor

Date

X *R. Nicolaye* X 03 January

Wohnsitz

Residence  
Stembert, Belgium

Staatsangehörigkeit

Citizenship  
German

Postanschrift

Post Office Address  
Rue de la Drôme 11, 4801  
Stembert, Belgium

Voller Name des zweiten Miterfinders  
(falls zutreffend)

Full name of third joint inventor:

(9)

Unterschrift des zweiten Erfinders

Datum

Signature of third inventor

Date

Wohnsitz

Residence

Staatsangehörigkeit

Citizenship

Postanschrift

Post Office Address

Papers Filed herewith on:

DOCKET NO.: 4077-017P ATTY.: PP/ITW

APPLICANT(S): M. BORICAN ET AL

APPLN. NO: 07700, 043 FILED: 1-24-01

PAT NO.: \_\_\_\_\_

- ☐ New Application with Transmittal Letter
- ☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
- ☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
- ☐ Filing Under 37 CFR 1.53(d) (CPA)
- ☐ Filing Under 37 CFR 1.114(RCE)
- ☐ Specification Consisting of: \_\_\_\_\_ pages
- ☐ Combined Declaration & Power of Attorney
- ☐ Assignment / Cover Letter
- ☐ Letter to Official Draftsman
- ☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
- ☒ Completion of Filing Requirements, PCT/DO/EO/905  
or Formalities Letter and Executed Declaration
- ☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_
- ☐ Amendment: \_\_\_\_\_
- ☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity
- ☐ Response \_\_\_\_\_
- ☐ Information Disci Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)
- ☐ Notice of Appeal ☐ Appeal Brief
- ☐ Issue Fee Transmittal
- ☐ FEES: \_\_\_\_\_
- ☐ Letter: \_\_\_\_\_
- ☒ Other: COPY OF PCT/DO/EO/916  
PCT/DO/EO/917 +

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS

Due Date: 02/18/01

Handcarry: \_\_\_\_\_

DOCKET NO.

4077-017P





## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.

09/700043

FIRST NAMED APPLICANT

BONJEAN

ATTY. DOCKET NO.

M

4077 0117P

INTERNATIONAL APPLICATION NO.

PCT/EP00/01314

I.A. FILING DATE

18 FEB 00

PRIORITY DATE

09 MAR 99

DATE MAILED:

18 MAY 2001

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040 0747

## NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☒ Applicant's response filed 12 JAN 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 30 NOV 2000 have not been completed.

- ☐ Translation of the international application into English.  
☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☒ Oath or Declaration of inventors(s).  
☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☐ Sequence Listing.  
☐ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

mm  
DOCKETED  
Response  
6-19-01

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☐ PCT/DO/EO/917  
☐ PCT/DO/EO/920

☐ Notice of Defective Translation

Anita D. Johnson

Telephone: 703-305-3661



|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO.          | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/700043                     | BONJEAN               | M 4077 0117P     |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/EP00/01314                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 18 FEB 00                     | 09 MAR 99             |                  |
| DATE MAILED: 18 MAY 2000      |                       |                  |

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040 0747

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☒ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☒ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☒ does not state that the person making the oath or declaration:
  - a. ☒ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☒ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

4# pgs 1+2 are missing

Anita D. Johnson

Telephone: 703-305-3661

6013109

Crestar Bank  
Alexandria, Virginia68-107  
560

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One Hundred, Ten &amp; 00/100 Dollars

DOLLARS

AMOUNT  
\$110.00DATE  
01/11/01

I.D. NO.

COMMISSIONER OF PATENTS AND TRADEMARKS

EXTENSION FEE

503169 4077-0117P

MADE 09/700,043

FOR

"06013109" "056001079" 202564983"

Papers Filed herewith on: 1/12/01

DOCKET NO.: 4077-0117P ATTY: FFB/TKW

APPLICANT(S): Marc BONJEAN et al.

APPLN. NO: 09/700,043 FILED: 11/9/00

PAT NO.:

- ☐ New Application with Transmittal Letter
- ☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
- ☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
- ☐ Filing Under 37 CFR 1.53(d) (CPA)
- ☐ Filing Under 37 CFR 1.114(RCE)
- ☒ Specification Consisting of: 18 pages
- ☐ Combined Declaration & Power of Attorney
- ☒ Assignment / Cover Letter
- ☐ Letter to Official Draftsman
- ☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
- ☒ Completion of Filing Requirements PCT/DO/EO/905 or Formalities Letter and Executed Declaration
- ☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_
- ☒ Amendment: Preliminary
- ☐ Transmittal Letter ☐ Large Entity ☐ Small Entity
- ☐ Response
- ☐ Information Disc. Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)
- ☐ Notice of Appeal ☐ Appeal Brief
- ☐ Issue Fee Transmittal
- ☒ FEES: \$110.00 (Check # 6013109)
- ☐ Letter: \_\_\_\_\_
- ☒ Other: English Translation

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 1/30/01  
Handcarry: \_\_\_\_\_

DOCKET NO.

4077-0117P

## **EXHIBIT III**



**Country Application Print Screen**

Thursday, July 10, 2008

**Matter Number:** 40770-P00117**Sub Case:** 01**Country:** US United States of America**Old Matter Number:****Case Type:** PCT**Application Status:** Pending**Status Date:** 09-Nov-2001**Client :** Dreiss, Fuhlendorf, Steimle & Becke**Client Reference No.:** Client Ref. 1

0124012

**HDP No. :** 40770-000117/US**Attorneys:** DJD**Application No.:** 09/700043**Filing Date:** 24-Jan-2001**Confirmation Number:****Publication No.:****Publication Date:****Patent No.:****Issue Date:****Expiration Date:****Patent Term Adj :** 0 days**Tax Start Date:****Tax Schedule :** LE**PCT App. No.** PCT/EP2000/001314**PCT Filing Date** 18-Feb-2000**Parent Patent No.:****Parent Issue Date:****Agent :****Agent Reference:****Owner :** 40770EI E.I.B. S.A.**Title:** Bistable Magnetic Drive For A Switch**Resp. Office:** DC**Abstract:****Remarks:** History: Nat'l. Phase of PCT/EP2000/001314 filed 02/18/2000; which claims priority of German 19910326.7 filed 03/09/1999.**Actions:**

| Action Due                     | Due Date    | Indicator | Action Taken | Responsible |
|--------------------------------|-------------|-----------|--------------|-------------|
| File Req for Reconsideration   | 02-Sep-2008 | Due Date  |              |             |
| File Req for Recon-1st Ext     | 02-Oct-2008 | Due Date  |              |             |
| File Req for Recon-2nd Ext     | 02-Nov-2008 | Due Date  |              |             |
| File Req for Recon-3rd Ext     | 02-Dec-2008 | Due Date  |              |             |
| File Req for Recon NEP         | 02-Jan-2009 | Final     |              |             |
| IDS                            | 24-Apr-2001 | Due Date  | 24-Apr-2001  |             |
| English Translation (Util App) | 24-May-2001 | Reminder  | 24-May-2001  |             |
| File Formal Dwgs--7 mo         | 24-Aug-2001 | Reminder  | 24-Aug-2001  |             |
| File Formal Dwgs--8 mo         | 24-Sep-2001 | Reminder  | 24-Sep-2001  |             |
| File Formal Dwgs--9 mo         | 24-Oct-2001 | Reminder  | 24-Oct-2001  |             |
| Status Inquiry                 | 10-Jul-2003 | Reminder  | 10-Jul-2003  |             |
| Petition to Revive             | 27-Nov-2007 | Reminder  | 27-Nov-2007  |             |
| POA Response Received          | 06-Dec-2007 | Reminder  | 06-Dec-2007  |             |
| Decision On Petition           | 16-Jul-2008 | Reminder  | 03-Jul-2008  |             |

**Assignment History:****From:** ASSIGNOR**Date:** 12-Jan-2001**Status:**

**Country Application Print Screen**

Thursday, July 10, 2008

**Matter Number:** 40770-P00117**Sub Case:** 01**Country:** US United States of America**To:** E.I.B. S.A.ROUTE ZENOBE GRAMME**Reel:** 11432**Frame:** 703-705**Inventors:**

BONJEAN, Marc

NICOLAYE, Roger

**Priority Information:**

| Country                   | Case Type | Application Number | Filing Date |
|---------------------------|-----------|--------------------|-------------|
| Germany                   | PRI       | 19910326.7         | 09-Mar-1999 |
| Patent Cooperation Treaty | ORD       | PCT/EP2000/001314  | 18-Feb-2000 |

**Related Matter:**

|             |     |                      |             |     |                      |
|-------------|-----|----------------------|-------------|-----|----------------------|
| Created by: | KLM | 09-Nov-2001 12:00 AM | Updated by: | KLM | 25-Jan-2008 12:00 AM |
|-------------|-----|----------------------|-------------|-----|----------------------|

ATTY.

ISSUED \_\_\_\_\_

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

MONTHLY BILLED CLIENT NO

SMALL  
ENTITY \_\_\_\_\_  
(FILED)

CLIENT COPIES 2

SUPPLEMENTAL VOLUME(S) \_\_\_\_\_

INVENTOR Marc Bonjean, Roger Nicolaye

TITLE Bistable magnetic drive for a switch

APPLICATION NO. 09/700,043

FILED: ~~NOV 9 2000~~ Jan. 24

PRIORITY CLAIMED

RECLAIMED

DRWGS NO. OF SHEETS 7 (A4)

## FOREIGN CASES

Int'l. Appln no.: PCT/EP00/01314 Filed: Feb. 18, 2000

[illegible]

DOCKET NO. 4077-1176

## CLIENT

Preiss, Fuhlendorf, Steinle  
3 Becker

THEIR REF. 0124012